



Rhode Island  
Department of Environmental Management

**DIVISION OF FISH AND WILDLIFE**

3 Fort Wetherill Rd  
Jamestown, RI 02835

401 423-1920  
FAX 401 423-1925  
TDD 401 831-5508

**Public Hearing Summary Document**

**March 14, 2005 at 6 PM**

**URI Narragansett Bay Campus  
Corless Auditorium**

- 1) Changes to the commercial scup and summer flounder mesh requirements
- 2) Atlantic herring fishery closure in area 1a - **retracted**
- 3) Black sea bass commercial allocation changes for summer 2 and winter 2 management sub-periods
- 4) Commercial and recreational tautog fishery management measures
- 5) Commercial striped bass fishery management measures
- 6) Changes to the salt water shad and herring regulations
- 7) Proposal for a spawning sanctuary in Ninigret Pond (North Cape seeded area)
- 8) Scup recreational regulation changes
- 9) Black sea bass recreational regulation changes
- 10) SAFIS requirement regulations for dealers - **retracted**
- 11) Winter flounder recreational and commercial regulation changes
- 12) Change to July 1, 2005 required 1/32" lobster gauge increase

*The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Monday, March 14, 2005 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on March 14, 2005. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.*

**1) Changes to the commercial scup and summer flounder mesh requirements (ASMFC Requirement):**

**10.11 Trawl Vessel Gear Restrictions - Minimum Mesh Size**

**10.11.1 Scup - Owners or operators of otter trawl vessels possessing:**

**500 pounds or more of scup from November 1 through April 30; or**

**~~1200~~ 200 pounds or more of scup from May 1 through October 31,**

**may only fish with nets that have a minimum mesh size of 4.5 5 inches**

**diamond mesh (inside measure) ~~for no more than 25 meshes in the codend,~~**

**~~and with at least 100 continuous meshes that have a minimum size of 5.0~~**

**~~inches diamond mesh forward of the codend. For trawl nets with codends~~**

**~~(including an extension) less than 125 meshes, the trawl net must have a~~**

~~minimum mesh size of 4.5 inches (diamond mesh) throughout with a minimum length of 75 meshes from the terminus of the net. For nets with less than 75 mesh codends the entire net will be 5 inch minimum size diamond mesh.~~

2) Atlantic herring fishery closure in area 1a:

Retracted – Area 1a has reopened to fishing.

3) Black sea bass commercial allocation changes for summer 2 and winter 2 management sub-periods:

**7.14.1-2 Commercial Seasons and Possession Limits -- A state quota for black sea bass will be established annually and shall be the most recent amount allocated to the State of Rhode Island by the Atlantic States Marine Fisheries Commission and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register. The quota shall be available during the following seasons:**

- (a) January 1 – April 30: Twenty-five percent (25%) of the quota established in this part shall be available from January 1 through April 30, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 1,500 pounds of black sea bass during this period. When 60% of the sub-period allocation has been harvested, the possession limit will drop to 1,000 pounds. Refer to section 7.14.1-3 for current possession limit.
- (b) May 1 – July 31: Twenty-five percent (25%) of the quota established in this part shall be available from May 1 through July 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 100 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.
- (c) August 1 – October 31: Twenty-five percent (~~25%~~ 39%) of the quota established in this part shall be available from August 1 through October 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 100 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.
- (d) November 1 – December 31: Twenty-five percent (~~25%~~ 11%) of the quota established in this part shall be available from November 1 through December 31, unless modified pursuant to section 7.14.1-2(e). It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 500 pounds of black sea bass during this period. Refer to section 7.14.1-3 for the current possession limit.

4) Commercial and recreational tautog fishery management measures:

**7.9 Tautog (Blackfish) -- No person shall take, possess, sell, possess for sale, or offer for sale any tautog measuring less than sixteen (16) inches total length whether caught within the jurisdiction of this State or otherwise.**

**7.9.1 Recreational -- Except as provided in Part II, no person may possess more than three (3) tautog from May 1 through October 14, annually, and no more than ~~ten~~ eight or nine (40)(8 or 9) tautog from October 15 through December 31, annually. Compliance aboard vessels will be determined by dividing the number of fish onboard a vessel by the number of recreational fishermen onboard said vessel.**

5) Commercial striped bass fishery management measures:

**12.3 Striped Bass Size/Possession Limits in the Commercial Striped Bass Fisheries -- Except as provided in Part 12.5, any person meeting the requirements of RIGL §§ 20-2-26, or 20-2-27, or 20-2-28.1, shall be allowed to take or possess, whether caught within the jurisdiction of this state or otherwise, striped bass which measure thirty four (34) inches or greater in total length. Except as provided for in Part 12.5 or 12.6, no person shall in any manner take and/or possess in Rhode Island more than the allowable limit established by the Rhode Island Marine Fisheries Council. When Fish and Wildlife has determined that the annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC) has been filled, the commercial sale of striped bass will terminate and the season will be closed. A notice terminating the fishery will be provided to the local press, and a notice of the closure will be submitted to the Secretary of State to be effective upon filing.**

**The following seasons and possession limits are established for commercial striped bass fishermen:**

January 1 – May 31	The commercial fishery will be CLOSED from January 1 through May 31, annually.
June 1 – August 31	Seventy-five percent (75%) of the commercial quota will be available from June 1 – August 31. The possession limit will be four (4) fish per license holder per calendar day. The fishery will close once seventyfive percent (75%) of the commercial quota is projected to be harvested if prior to August 31.
September 1– December 31	Twenty-five percent (25%) of the commercial quota will be available from September 1 through December 31. The possession limit will be three (3) fish per license holder per calendar day. The fishery will close when the entire commercial quota is projected to be harvested.

**In addition, if Fish and Wildlife determines that the quota will be exceeded or will not be met before the end of the fall season, Fish and Wildlife may adjust that catch rate accordingly on or after September 15, annually. If on October 1, more than the 10,000 pound floating fish trap quota set aside remains, that poundage will be committed to a general category available to the entire commercial fishery. If on October 15, the floating fish trap quota 10,000 pounds set aside or more**

~~of any gear-specific allocation~~ remains, that poundage will be committed to a general category available to the entire commercial fishery.

[Effective November 25, 2004 at 12:01 AM the commercial striped bass fishery for all gear types other than floating fish traps will close until June 1, 2005 at 12:01 AM at which time the commercial striped bass fishery will open with a possession limit of 4 fish per person/per day.]

12.5 Special Striped Bass Quota - Trap Net -- During a single calendar year Rhode Island floating trap net companies licensed and operating under §20-2-26 shall be allowed to harvest and market not more than forty percent 40% of the annual Rhode Island commercial quota established in Part 12.3. These striped bass must be at least twenty-eight inches total. Each individual fish shall be immediately marked with tags supplied by Fish and Wildlife. All trap net companies shall keep daily records of striped bass landings. Weekly summaries of daily landings shall be submitted to Fish and Wildlife. When Fish and Wildlife has determined that the annual quota allocated to floating fish traps has been reached the trap net harvest of striped bass will terminate. A notice terminating the fishery will be filed with the Secretary of State to be effective upon filing.

The following seasons are established for the commercial trap net fishery –

January 1 – August 26	<del>Ninety One hundred</del> percent ( <del>9100</del> %) of the floating trap quota shall be available from January 1 through August 26 <del>minus a 10,000 pound set aside</del> . Once eighty percent (80%) of the seasonal allocation is projected to be harvested the possession limit shall be 500 pounds per fish trap licensee per calendar day.
August 27 -- December 31	<del>Ten percent (10%) of the</del> <del>The 10,000 pound</del> floating trap quota <del>set aside</del> shall be available from August 27 through December 31 with no limit on possession. The fishery shall close once the entire floating trap quota is harvested.

~~[Effective November 25, 2004 at 12:01 AM the commercial striped bass fishery for floating fish traps will close.]~~

(RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

- 6) Changes to the salt water shad and herring regulations (Shad change is ASMFC Requirement):

7.17 American Shad – The commercial harvesting, landing, or possession of American Shad (*Alosa sapidissima*) within the State of Rhode Island and its territorial waters is prohibited ~~except during the period: June 18 – December 31, 2003~~. RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

7.19 River Herring – No person shall harvest or possess more than twelve (12) live alewives (*alosa pseudoharengus*) or live blueback herring (*alosa aestivalis*) either singularly or in aggregate in any calendar day in the marine waters of the state. No person shall possess more than twelve (12) live alewives or live blueback herring either singularly or in aggregate in any one collecting device in any calendar day in the marine waters of the state. RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

7) Proposal for a spawning sanctuary in Ninigret Pond (North Cape seeded area):

4.12.4 Ninigret Pond – The following area within Ninigret Pond in Charlestown will be closed to the taking of soft-shelled clams, bay quahaugs, and oysters ~~until May 17, 2002~~: all waters within a ~~triangular~~ rectangular area formed by the northeast corner of the Ninigret Conservation Area parking lot, a DEM sign immediately shoreward of telephone pole #4 at the end of Kennedy Lane, a DEM sign 400 meters east of telephone pole #4 at the end of Kennedy Lane, and a DEM sign immediately shoreward of pole #5-5 along the east side of Lavin's Landing Marine.

(RIMF REGULATION) [Penalty - Part 4.4 or 4.7; (RIGL 20-6-9 or 20-6-10)]

8) Scup recreational regulation changes (Pending ASMFC approval):

7.11.4 Scup - Recreational

7.11.4-1 - No person fishing recreationally shall possess scup less than ten and one half inches (10.5") total length, and no person fishing recreationally shall possess, per calendar day, more than ~~fifty (50)~~ twenty five (25) scup, whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

7.11.4-2 – The recreational season for scup in Rhode Island waters will be open from ~~January 1 through July 25 and then August 4 through December 31~~ May 26 through September 20, annually. ~~The period of July 26 through August 3 is closed to recreational scup fishing.~~

7.11.4-3 – While fishing on a party or charter boat, no person shall possess scup less than ten and one half inches (10.5") total length, and no person fishing while on a party or charter boat shall possess, per calendar day, whether caught within the jurisdiction of this State or otherwise, more than twenty five (25) scup from August 1 through August 31, more than sixty (60) scup from September 1 through October 31, and more than twenty five (25) scup from November 1 through November 30. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

9) Black sea bass recreational regulation changes:

7.14.2 Recreational Harvest

7.14.2-1 – Legal Minimum Size -- No person fishing recreationally shall possess a black sea bass less than twelve inches (12") total length, and no person fishing recreationally shall possess, per calendar day, more than twenty-five (25) black sea bass whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be

determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.

**7.14.2-2 – Recreational Season -- The recreational season for black sea bass in Rhode Island waters is open from January 1 through ~~September 7, and September 22 through November 30, annually. The season is closed September 8 through September 21, and December 1 through~~ December 31, annually. ~~It is unlawful to possess black sea bass taken for recreational purposes during the closed season.~~**

**10) SAFIS requirement regulations for dealers:**

Retracted, will go forward at a later public hearing

**11) Winter flounder recreational and commercial regulation changes (ASMFC Requirement):**

**7.8 Winter Flounder (Blackback) -- No person shall take possess, sell, possess for sale, or offer for sale any winter flounder measuring less than twelve (12) inches total length whether caught within the jurisdiction of this State or otherwise. During a closure of the R.I. winter flounder fishery a vessel fishing in the Exclusive Economic Zone (EEZ) may traverse Rhode Island waters for the purpose of landing winter flounder provided they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.**

**7.8.1 Winter Flounder - Four fish recreational possession limit -- The taking and possession of winter flounder by recreational fishermen is prohibited with the exception that annually, beginning on the third Saturday in April and continuing for ~~37~~ 30 days, and beginning on the last Saturday in September and continuing for ~~34~~ 30 days, fishermen may take and possess not more than four (4) winter flounder in Rhode Island waters. Said fish shall not be offered for sale. The four fish possession limit shall not apply to fishermen licensed pursuant to RIGL 20-2-26, 20-2-27, 20-2-28, or 20-2-28.1, provided winter flounder possessed by those licensed in the above sections are harvested in compliance with R.I. Marine Fisheries Council Statutes and Regulations.**

**7.8.2 Winter Flounder - Mesh Regulations/Commercial Fishing Gear -- With the exception of the taking of winter flounder in the Coastal Marine Life Management Area as provided in 11.19 and 11.19-1, it shall be illegal to fish for winter flounder in Rhode Island waters with any commercial fishing gear except fyke nets unless such gear has mesh size measuring no less than six ~~and one half~~ (6.5) inches stretched diamond, or six ~~and one half~~ (6.5) inches stretched square mesh. Vessels may utilize commercial fishing gear with mesh smaller than the sizes referenced in this section provided they do not possess any winter flounder except as provided in Section 7.8-1.**

**(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

11.19.1 - A six and one half inch (6.5") mesh throughout the net shall be required in all waters of the state for all commercial fishing gear ~~except fyke nets~~ while fishing for and possession of winter flounder. Except as provided in Section 7.08-1, possession of winter flounder taken as a by-catch in fisheries utilizing nets having less than a six and one half inch (6.5") mesh is prohibited.

12) Change to July 1, 2005 required 1/32" lobster gauge increase

15.11.1 - Minimum Size of Lobsters – No person shall catch or take from any of the waters within the jurisdiction of this state or have in their possession within this state any lobster or parts of lobsters, cooked or uncooked, which is less than the minimum gauge sizes as specified in this section, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the carapace, unless said person possesses a Lobster Exemption Certificate issued by the Director consistent with the requirements of 15.11.1-1 or 15.11.1-2.

As of July 1, 2003 the minimum gauge size shall be 3-3/8 inches (85.73mm).

~~As of July 1, 2005 the minimum gauge size shall be 3-13/32 inches (86.52mm).~~

As of July 1, 2006 the minimum gauge size shall be 3-7/16 inches (87.31mm).

As of July 1, 2007 the minimum gauge size shall be 3-15/32 inches (88.11mm).

#### 15.20.3 ASMFC Lobster Fishery Management Area Management Measures

##### 2. Lobster Fishery Management Area 2 (Inshore Southern New England) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LFMA 2 shall be no lower than the carapace length identified in the following schedule (RIMFC Regulation 15.11). July 1<sup>st</sup> is the deadline for implementing these minimum gauge size increases.

YEAR	AREA 2
2001	3-9/32" (83.34 mm)
2002	3-5/16" (84.14 mm)
2003	3-3/8" (85.72 mm)
2004	No minimum gauge size increase for Area 2
<del>2005</del>	<del>3-13/32" (86.52 mm)</del>
2006	3-7/16" (87.31 mm)
2007	3-15/32" (88.11 mm)
2008	3-1/2" (88.90 mm)

#### H. Area 2 Effort Control Measures:

##### (1) Vessel Upgrade Provision:



**All vessels or persons authorized to fish for lobster with traps in Area 2 shall be limited to a 15% increase in length from the established baseline registration length (LOA) (15.20.4-(3)). There shall be no restrictions on decreases in vessel length.**

**(2) Qualification and Trap Allocations for Area 2 permit holders:**

**There shall be no new Area 2 Federal lobster permits or state-issued commercial lobster licenses after December 31, 2003.**

**In order to qualify for an Area 2 permit/license endorsement, a permit/license holder must document lobster trap landings between January 1, 1999 and December 31, 2003. Lobster trap landings during this period of 2000 pounds or more in any one year qualifies the permit/license holder for 800 traps; landings during this period of 1 – 1999 pounds in any one of these years qualifies the permit/license holder for 100 traps.**

**(3) Maximum Allowable Traps:**

**Permit/license holders can buy traps from other fishermen to a maximum of 800 traps.**

**(4) Minimum Gauge Size:**

The minimum size for American lobster in management Area 2 shall be no lower than the carapace length identified in the following schedule. Carapace length is the straight-line measurement from the rear of the eye socket parallel to the centerline of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the American lobster. July 1<sup>st</sup> is the deadline for implementing these minimum gauge sizes.

Area 2
<del>2005 - 3 13/32"</del>
2006 - 3 7/16"
2007 - 3 15/32"
2008 - 3 1/2"